

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JUSTIN CREDICO

CIVIL ACTION

v.

UNITED STATES  
(ON BEHALF OF FBOP)  
(ON BEHALF OF FDC PHILA  
TRUST FUND OFFICIALS)  
(ON BEHALF OF MARCHESE AND/OR  
STREMMEL AND/OR OTHER UNKNOWN  
OFFICIALS)

NO. 15-5722

FILED

OCT 23 2015

MICHAEL E. ROBE, Clerk  
By \_\_\_\_\_ Dep. Clerk

MEMORANDUM

ROBRENO, J.

OCTOBER , 2015

Plaintiff, an inmate, has filed this civil action under the Federal Tort Claims Act ("FTCA"). He alleges that prison officials withdrew too much money from his inmate account in January and February of 2015. He further alleges that because his inmate account was encumbered he was unable to afford medication, "beyond what was prescribed by the dentist," after he had oral surgery. Currently before the Court is plaintiff's motion to proceed *in forma pauperis*. For the following reasons, the Court will deny the motion pursuant to 28 U.S.C. § 1915(g).

According to § 1915(g), a prisoner who on three or more prior occasions while incarcerated has filed an action or appeal in federal court that was dismissed as frivolous, malicious, or for failure to state a claim upon which relief may be granted, must be denied *in forma pauperis* status unless he was in imminent danger of serious physical injury at the time that the complaint was filed. *Abdul-Akbar v. McKelvie*, 239 F.3d 307, 310-11 (3d Cir. 2001) (en banc). Plaintiff accumulated at least three

"strikes" for purposes of 28 U.S.C. § 1915(g) at the time he filed this action. See *Credico v. Milligan*, 544 F. App'x 46, 48 (3d Cir. 2013) (dismissing appeal as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B)(i)); *Credico v. Unknown Official for U.S. Drone Strikes*, 537 F. App'x 22 (3d Cir. 2013) (same); *Credico v. CEO Idaho Nat'l Lab.*, 461 F. App'x 78 (3d Cir. 2012) (dismissing appeal as frivolous); *Credico v. Milligan*, E.D. Pa. Civ. A. No. 13-4111 (E.D. Pa.) (July 24, 2013 Memorandum and Order dismissing the case as frivolous); *Credico v. Unknown Official for Drone Strikes*, E.D. Pa. Civ. A. No. 13-1311 (E.D. Pa.) (April 15, 2013 Order dismissing the case as frivolous); *Credico v. CEO Idaho Nat'l Lab.*, E.D. Pa. Civ. A. No. 11-6025 (Oct. 4, 2011 Order dismissing the case as frivolous).

In light of plaintiff's three strikes, he may not proceed *in forma pauperis* unless he was in imminent danger of serious physical injury at the time he filed his complaint. There are no allegations in plaintiff's complaint that would allow this Court to find that plaintiff was in imminent danger of serious physical injury at the time that he filed this complaint. Accordingly, the Court will deny his motion to proceed *in forma pauperis*.